

REMARKS

Applicants wish to thank the Examiner for reviewing the present patent application. Regarding the amendments made in the Office Action mailed May 18, 2005, Applicants believe, via the present Office Action, that the amendments have been entered since no objections to the same have been revised. Moreover, the current amendments made do not raise any new issues and are supported by the specification as originally filed.

Regarding the figures, all figures previously presented were produced in compliance with 37 CFR §1.81(c). The contents of the figures, again, are clearly supported by the specification as originally filed. Applicants respectfully request that the Examiner confirm the formal figures have been entered into the file.

I. Rejection Under 35 USC §103

The Examiner has rejected claims 1, 4, 5, 10, 13 and 14 under 35 USC §103 as being unpatentable over Portman et al., U.S. Patent No. 6,464,099 (hereinafter '099). In the rejection, the Examiner mentions, in summary, that the '099 reference describes a container for serving infused liquid beverages made from infusion bags having a string and a tag attached. The Examiner further mentions that the container comprises a receptacle 11 for holding liquid, a lid 21 for the receptacle that is provided with an opening having a first portion 47 which is capable of gripping the string of the infusion bag and a second portion 61 located on the first portion to which the string of the infusion bag can move. Still further, the Examiner mentions that the container described in the '099 reference has an outlet 99 in the lid and the first portion comprises a plurality of slits which are aligned with the aperture and extend at angles

therefrom. The Examiner believes that the '099 reference describes the claimed invention except that the slits in the product shown in the '099 reference do not extend at right angles. Nevertheless, the Examiner believes that it would be a matter of design choice to extend the angles at right angles as opposed to the angles shown in the '099 reference. In view of this, the Examiner believes that the obviousness rejection is warranted.

Notwithstanding the Examiner's apparent position to the contrary, it is the Applicants' position that the presently claimed invention is patentably distinguishable from the above-described for at least the following reasons.

As already made of record, independent claim 1 is directed to a container for serving infused liquid beverages made from infusion bags having a string and tag attached, the container comprising a receptacle for holding liquid, a lid for the receptacle provided with an opening having a first portion which is capable of gripping the string of the infusion bag and a second portion located on the first portion through which the string of the infusion bag can move into and out of the container, and a dispensing outlet through which the consumer drinks the beverage wherein the first portion comprises a slit with further slits that extend at right angles therefrom and that are aligned with the second portion.

The container of claim 1 is further defined by the dependent claims, which claim, among other things, that the second portion is an aperture that is circular and has a diameter greater than that of the string of the infusion bag, that the length of the first slit is sufficient that the tag attached to the string may be pushed through it without bending the tag.

Independent claim 10 is directed to a lid for a container for serving infused liquid beverages from infusion bags having a string and a tag attached, the lid being provided with an opening having a first portion which is capable of gripping the string of the infusion bag and a second portion located on the first portion through which the string of the infusion bag can move into and out of the container, and a dispensing outlet through which the string of the infusion bag can move into and out of the container, and a dispensing outlet through which the consumer drinks the beverage wherein the first portion comprises a first slit with further slits that extend at right angles therefrom and that are aligned with the second portion.

The invention of claim 10 is further defined by the dependent claims which claim, among other things, that the second portion can be circular and have a diameter that is greater than that of the string of the infusion bag and that the length of the first slit is sufficient such that the tag attached to the string may be pushed through it without bending the tag.

In contrast, the '099 reference, as correctly noted by the Examiner, depicts a lid having slits that do not extend at right angles. Therefore, the slits in the '099 reference create obtuse and acute angles. The slits of the current invention create equal right or 90° angles. Therefore, depending on the orientation of the tea bag within the container, the '099 reference describes a container with a lid that requires a different pull or different tension when the consumer is attempting to catch the tea bag within the lid. The deficiencies of the container shown in the '099 reference are cured by the present invention since the slits which create right angles enable for a consistent tension or consistent pull in order for the tea bag to be captured within the lid, regardless of the

orientation of the tea bag under the lid. This is true because the amount of plastic that has to be displaced is equal due to the formation of the right angles. In view of this, it is clear that all the important and critical limitations set forth in the presently claimed invention are not found in the reference relied on by the Examiner. Moreover, the deficiencies of the '099 reference are cured by the slit orientation set forth in the presently claimed invention. For the reasons above, Applicants, therefore, respectfully request that the obviousness rejection be withdrawn and rendered moot.

Applicants further submit that all pending claims are now in condition for allowance. Reconsideration and favorable action are earnestly solicited.

Applicants submit that all claims of record are now ready for appeal.

In the event the Examiner has any questions, he is kindly invited to contact the undersigned at his earliest convenience.

Respectfully submitted,



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